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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,134	09/29/2005	Dennis Karlsson	95-725-P1791	4299

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MANELLI DENISON & SELTER  
2000 M STREET NW SUITE 700  
WASHINGTON, DC 20036-3307

EXAMINER
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LEE, GUNYOUNG T

ART UNIT	PAPER NUMBER
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2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/551,134	KARLSSON, DENNIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gunyoung T. Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/29/2005</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 09/29/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the foreign documents therein have not been considered. Applicant is kindly requested to provide a legible copy of each cited foreign patent document.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bend "radius" and "height (h)" of claims 10-12 and "radial length" in claims 11-12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

Art Unit: 2875

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 8, 10 and 11-12 are objected to because of the following informalities:
- Lines 3-4 of claim 8 are unclear;
  - On line 4 of claim 10, the pronoun "its" renders the claim indefinite (it is advised by Examiner not to use a pronoun in the claims);
  - On line 2 of claims 11-12, "the radial length" lacks antecedent basis.
- Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

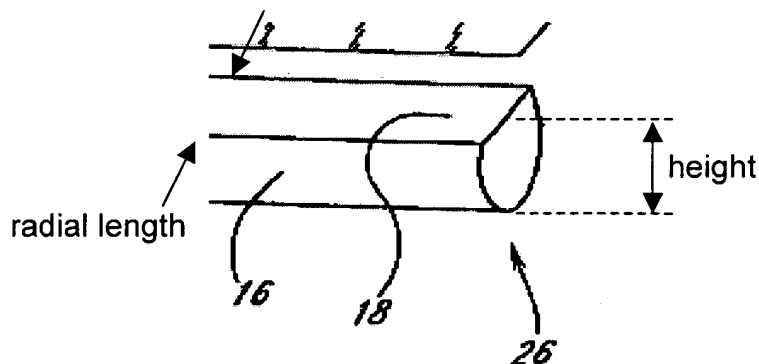
5. Claims 8-14, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Pelka et al. (US 6,637,924).
6. Pelka et al. disclose a lighting device having:

Art Unit: 2875

- A convex front side (16), a rear side (18) and at least one side surface (20, 22) (col. 4, lines 54-60);
- The surface (20, 22) extends between and links together the front side (16) and the rear side (18); and
- A transparent light guiding material (14) (col. 3, lines 54-56), and a lighting appliance (12) being arranged in connection with the side surface (20) in order to emit light to the light guiding material (col. 5, lines 20-22).

7. Pelka et al. further disclose:

- The convex front side (16) is in direct communication with the rear side (18) (col. 10, lines 4-8);
- The convex front side (16) has a radius and a height (as shown in the following picture) being measured perpendicular to the rear side;



- The height is at least  $\frac{1}{4}$  of a radius length (as shown in the above picture) of the rear side (18);
- The front surface (16) extends between two opposing side surfaces (20, 22);
- The lighting guiding material (14) has a rod shape (Fig. 2); and

- The lighting appliance (12) comprises at least one light-emitting elements (12a-f) arranged on a board (34).

8. Please note regarding claim 8 that statements with a term suggesting or making optional (e.g. "adapted to") have been given little patentable weight, because the statements do **not positively** recite structural limitations (see MPEP § 2106).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 15-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelka et al. (US 6,637,924) in view of Wyss (US 2,297,851).

11. In regard to claims 15 and 19-22, Pelka et al. disclose the invention substantially as claimed except that the lighting appliance does not include a casing concealing the light-emitting element. Wyss discloses an illuminated display device having a casing (Fig. 2, 12) concealing a light-emitting element (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the casing as shown in Wyss for the lighting device of Pelka et al., for the purpose of providing a high intensity illumination by maximizing the utilization of the light from the light source.

12. In regard to claims 16-18, Pelka et al. do not expressly disclose that the lighting/viewing angle of the lighting device is at least 15 degrees. Since, it has been held by the courts that where the general conditions of a claim are disclosed in the prior

art, it is not inventive to discover the optimum or workable value by routine experimentation (*In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235), it would have been obvious to one of ordinary skill in the art at the time the invention was made to set the lighting/viewing angle as being at least 15 degrees with the device of Pelka et al., for the purpose of providing a aesthetically pleasing illumination to the viewer with a high uniformity.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haeker (US 2,499,824), Plumly (US 4,385,343), Yamada (US 4,965,950), Reading (US 5,729,924), Tarne et al. (US 6,443,582) and Marsh (US 6,471,388) show lighting devices having light guiding materials and lighting appliances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/551,134


Page 7

Art Unit: 2875

you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

GTL

4/11/2007



RENEE LUEBKE  
PRIMARY EXAMINER